

## **MENTAL HEALTH AND DISABILITY SERVICES COMMISSION**

May 18, 2017 - 9:30 am to 11:30 am  
The Hoover Building, Conference Room 7  
1305 E Walnut St, Des Moines, Iowa  
MEETING MINUTES

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### **MHDS COMMISSION MEMBERS PRESENT:**

Thomas Bouska (phone)  
Peter Brantner  
Thomas Broeker  
Jody Eaton  
Marsha Edgington (phone)  
Betty King (phone)  
Sharon Lambert

Geoff Lauer (phone)  
Brett McLain (phone)  
John Parmeter  
Rebecca Peterson (phone)  
Patrick Schmitz  
Marilyn Seemann

### **MHDS COMMISSION MEMBERS ABSENT:**

Senator Mark Costello  
Representative David Heaton  
Kathryn Johnson  
Senator Liz Mathis

Representative Scott Ourth  
Rebecca Schmitz  
Jennifer Sheehan

### **OTHER ATTENDEES:**

Theresa Armstrong	MHDS, Bureau Chief, Community Services and Planning
Teresa Bomhoff	NAMI Greater Des Moines
Jill Cook	Amerigroup
Gretchen Kraemer	Iowa Attorney General's Office
Flora Schmidt	Iowa Behavioral Health Association
Peter Schumacher	MHDS, Community Services & Planning/CDD
Jon Stoebe	University of Iowa Hospitals and Clinics

### **Welcome and Call to Order**

John Parmeter called the meeting to order at 9:39 am and led introductions. Quorum was established with eight members present and six participating by phone. No conflicts of interest were identified.

### **Approval of Minutes**

Tom Broeker made a motion to approve the April 20 minutes as presented. Patrick Schmitz seconded. The motion passed unanimously.

### **Review of Commission Duties – Theresa Armstrong**

Theresa said the duties of the Commission's statutory duties listed in Iowa Code 225C.6. Theresa summarized the duties saying that the Commission provides advice on the Department of Human Services (the Department) budget, assist in the development, notice, and adoption of Administrative Rules, and provide advice on Medicaid as it relates to mental health and disability services.

Theresa said there would be changes made to some administrative rules as part of the Department's regular review of rules. These changes include some amendments for Chapter 24, the Autism Support Program, the Developmental Disability (DD) Council, and the State Payment Program.

Theresa said the Commission's collaboration with the DD Council and Mental Health Planning Council is also important, and provides the Department with valuable information.

Theresa noted a few things coming up for the Department that the Commission might want to keep in mind. Theresa spoke about the workgroups being formed around the state to study how to meet the needs of people with complex needs, and recommended looking at the MHDS Redesign Progress Report which goes into more detail. Theresa said the Children's Mental Health and Well-Being Workgroup is also moving forward. The Department will form a Children's Advisory Committee, and the Department will issue a Request for Proposals (RFP) for Children's Well-Being Collaboratives.

#### **Review of Open Meetings, Conflicts of Interest, and Ethical Considerations of Commission Membership – by Gretchen Kraemer, Attorney General's Office**

Gretchen Kraemer explained that the Commission as a state commission is governed by open meetings laws which are in Iowa Code Chapter 21, available at <https://coolice.legis.iowa.gov/cool-ice/default.asp?category=billinfo&service=iowacode&ga=83&input=21>. There must be an agenda for each meeting. Agendas must be posted at least twenty-four hours before the meeting and available to the public. The agenda is the invitation to the public to come to the meeting. In the past, there have been questions about taking agenda items out of order during the meeting when presenters are running late or not available. Commissions are allowed to take items out of order, but Gretchen said that this should be done in a way that preserves the agenda as much as possible. The concern is that members of the public will miss something of interest if it is presented at a different time than what is posted on the agenda. If something important comes up that is not on the agenda, Gretchen encouraged the Commission to push it to another meeting so that the public can have adequate notice. Phone participation is allowed as long as the phone number is published and the call is done via speaker phone. Electronic participation and email participation is also valid, but such emails are public information and subject to Freedom of Information Act requests.

Gretchen said there are rules dictating how boards and commissions can go into closed session. There are times when sensitive information is being discussed when the Commission would want to discuss it off of the public record such as pending litigation or a contested case, but only that item could be discussed in closed session, and any vote or decision would need to be made and announced publicly.

Gretchen said that if the Commission had an informal outing where a quorum of members were present, and conversation turned to the business of the Commission, this would be considered a meeting that did not comply with open meetings laws. If there is a quorum of members present, they cannot discuss the business of the Commission without adequate public notice.

Gretchen said that Commission emails are considered public documents. Geoff Lauer asked if all emails sent or received by Commission members are public, or just the ones related to Commission business. Gretchen answered that only emails related to Commission business are public.

Open meetings are required to have a period during the meeting for public comment. This could be a specific period of time reserved for public input, or the Commission has, as a matter of practice, allowed for public input throughout its meetings, which is also acceptable.

Committees within the Commission can meet and are not governed by open meeting laws. They must have less than a quorum, and they may only make recommendations. The Commission must vote on any decisions. Commission members can discuss the business of the Commission in informal or social settings as long as less than a quorum is present. Once there is a quorum, open meeting laws apply.

Conflicts of interest arise when a member of the Commission has a personal or professional stake in a decision being made by the Commission. If a matter comes to the Commission that would affect a member personally or their business, the member must abstain from any vote on the subject.

The Commission is allowed to lobby, however it must follow certain rules. The Commission must elect one representative to be the designated lobbyist, which is traditionally the chair. The designated person must register as a lobbyist, and the Commission must vote on all official Commission positions. Individual members are still allowed to lobby as private citizens, but cannot claim to represent the Commission while doing so.

Gretchen said she is available to do legal research, and if the Commission has any such requests, they should feel free to contact Peter Schumacher.

### **Commission Planning Calendar – John Parmeter**

John Parmeter spoke about the committees the Commission has, and their responsibilities throughout the year. The Commission members volunteered to serve on the following committees.

#### **Legislative Priorities**

- Geoff Lauer
- Tom Bouska
- Jody Eaton
- Sharon Lambert
- John Parmeter

#### **County/Regional Services**

- Jody Eaton
- Kathy Johnson
- Jen Sheehan
- Pete Brantner
- Geoff Lauer

#### **MHI/SRC Committee**

- Marilyn Seemann
- Marsha Edgington

#### **Cost Increase Recommendations**

- Tom Broeker
- Marsha Edgington

Theresa Armstrong spoke about Administrative Rules that are currently in process, or will be through the Commission's process in the near future. There is a Commission committee that has been reviewing a revision of Chapter 24, however, two members of the committee will be leaving the Commission. Theresa asked if any Commission members wanted to volunteer to serve on the committee. John Parmeter and Sharon Lambert volunteered to join Kathy Johnson, Rebecca Peterson, and Jen Sheehan on the committee.

### **Committee Meetings**

The Commission discussed information they would like to have in order to help them form legislative priorities for the 2018 legislative session.

Information requested included:

- 2016 MHDS Annual/Biennial Report
- Most recent Managed Care Ombudsman Program report
- Jody Eaton volunteered to bring information from MHDS Regions on access and crisis services
- The 2016 Children's Mental Health Study Report and legislative language regarding those recommendations
- The status of the Medicaid Home and Community-Based Services Waiver waiting lists

There was a discussion on the implications of federal changes to Medicaid.

### **Planning for the June Meeting**

Peter Schumacher said Kristen Haar from the Iowa Department of Transportation will be presenting on transportation services for people with disabilities at the June meeting. Connie Fanselow will also come and present an update on the development of Iowa's new Olmstead Plan.

There were requests for presentations on mental health services in schools, children's mental health in general, Iowa's State Innovation Model, and Medicaid eligibility. Kathy Johnson specifically requested information on the Eligibility and Verification Information System (ELVS), and expressed concern that ELVS is not always reliable.

### **Public Comment**

Teresa Bomhoff expressed concern over the state of the Iowa Insurance Exchange where private insurers are declining to offer plans, limiting or eliminating options for Iowans. Teresa also expressed concern over the funding of MHDS Regions. Teresa said there are not enough mental health workforce development initiatives, and expressed concern over the lack of providers at all levels.

Pete Brantner said therapists come out of school with large amounts of student debt, and many leave the field for more lucrative careers so they can service their student debt.

### **Recognition of Patrick Schmitz**

John Parmeter thanked Patrick Schmitz for his five years of service on the MHDS Commission, and that he has always valued Patrick's calm and sensible input in Commission discussions.

Patrick said he was honored to be appointed to the Commission, and honored again to serve as chair. He thanked the Commission for their trust, and looked forward to his new position with Bert Nash Community Mental Health Center in Lawrence, Kansas.

The meeting was adjourned at 11:25 am.

Minutes respectfully submitted by Peter Schumacher.